

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-30 are currently pending. Claims 1, 8, 17 and 23 are independent.

II. REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 3, 4, 8, 9, 13, 17, 19, 23 and 24 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 7,013,477 to Nakamura et al. (hereinafter, merely "Nakamura").

Applicants respectfully traverse this rejection.

Independent claim 8 is representative and recites, *inter alia*:

"a receiver for receiving broadcast information and selecting a signal therefrom that includes commercial broadcast information having a supplied sequence;

...
a storing means for storing a sequentially supplied series of the broadcast information;

...
a commercial detecting means for detecting the commercial broadcast information

...
a controlling means for . . . generating image information corresponding to said detected commercial broadcast information and combining the same with the reproduced image of said series of broadcast information . . . and making said reproducing means reproduce the commercial broadcast information, and, in the following reproduction of said series of broadcast information, reproducing the broadcast information while not reproducing, but skipping over the commercial broadcast information which has been already reproduced." (emphasis added)

As understood by Applicants, Nakamura discloses, in relevant part, a device that detects and stores a highlight scene of a broadcast program and also includes a commercial message (CM) detecting unit to detect a CM in a broadcast program. The Nakamura device reproduces the stored highlight scene instead of the CM in a broadcast program. Col. 5, lines 40-54; *See also*, col. 6, lines 6-21 and col. 7, lines 23-30.

Thus, it is the intent of Nakamura that the CM in a broadcast program is not reproduced. Rather than reproduce the CM, Nakamura reproduces a previously stored highlight scene (presumably, something that the audience would prefer to view over the CM).

Further, there is no suggestion in Nakamura of altering the sequence of the broadcast CM and broadcast program. That is, in Nakamura the program is viewed sequentially as broadcast and, when a CM is detected in the sequential broadcast, a highlight scene is reproduced instead of the CM. Thus, the sequence of broadcast program and CM is not altered.

In contrast, claim 8 recites, “making said reproducing means reproduce the commercial broadcast information, and, in the following reproduction of said series of broadcast information, reproducing the broadcast information while not reproducing, but skipping over the commercial broadcast information.” As previously recited in claim 8, the broadcast information includes commercial broadcast information in a supplied sequence. The broadcast information, including the commercial information, is stored in sequence. During reproduction of the broadcast information, a commercial detector detects the commercial information and the commercial information is reproduced first.

The controller causes reproduction of the stored data so all of the commercial broadcast information is reproduced then sequentially followed by reproduction of the other broadcast information. That is, the broadcast information (including commercial information) is stored sequentially. During reproduction, the commercial information in the stored broadcast information is detected and selected for reproduction first. After the commercial information is reproduced, the rest of the broadcast information is reproduced with the previously reproduced commercial information being skipped over.

Thus, commercial broadcast information is detected in the received broadcast information and is designated with a signal when the received commercial broadcast information is stored. At the time of reproduction, the commercial broadcast information is sequentially combined with the broadcast information. The claimed method reproduces the sequence of the commercial broadcast information followed by the broadcast information. However, when the broadcast information is being reproduced, the method skips over the commercial broadcast information, thus avoiding duplication of the commercial broadcast information.

Hence, in the present invention the commercial information is reproduced whereas in Nakamura a highlight scene is reproduced instead of the CM. Moreover, in the present invention the sequence is altered so the stored commercial information is reproduced first and sequentially followed by the remaining broadcast information with the previously reproduced commercial information being skipped over. This is distinguishable from Nakamura wherein CM is not reproduced and the sequence of CM and program is not altered.

The Office Action points to Nakamura Col. 14, line 25 to col. 15, line 8 and FIG. 5 for the function of the controlling means in the present invention that both reproduces the

commercial information and alters the sequence of reproduction of the commercial information in the broadcast information. However, this is a misinterpretation of Nakamura. Indeed, at the cited location and in FIG. 5, Nakamura is describing the invention that detects the CM start (S02) and, if started, watches (S12) or selects (S10) a highlight scene until the CM is ended (S07). If the CM is not started, the program is watched (S04).

This, essentially, is the function of Nakamura as described by Applicants herein above. Note that the CM is not reproduced and there is no suggestion that the sequence is altered so that CM is reproduced sequentially before the program is watched.

Applicants respectfully request withdrawal f the rejection of claim 8.

For reasons similar or somewhat similar to those described above with regard to independent claim 8, independent claims 1, 17 and 23 are also believed to be patentable.

Claims 3, 4, 9, 13, 19, and 24 depend from one of the independent claims discussed herein above and are believed patentable for at least the same reasons.

Moreover, it is part of Applicants' invention to combine the feature of identifying broadcast commercial information when storing received broadcast information with altering the sequence when subsequently reproducing the stored information. This process of receiving, identifying, storing and altering the sequence on reproduction provides an advantage of having the commercial broadcast information reproduced sequentially followed by the other stored broadcast information. Publ. App. par. [0088].

It is the Applicants whom have recognized, and claim, the combination of features of reordering the reproduction of broadcast programming containing intermingled commercials

received. The inventive device has the advantages to avoid content that ends up being reduced in interest to the user due to the insertion of commercial broadcasts in the middle, for example, of movies. The viewing becomes possible without interrupting the broadcast and therefore user dissatisfaction over commercial broadcasts can be reduced. Also, a different method of viewing of commercial broadcasts which are ordinarily boring is provided to the user and, at the same time, the commercial broadcasts are positively watched in comparison with the case where commercial broadcasts are unnaturally inserting not along with the flow of the broadcast contents. Therefore, the effect of the commercial broadcasts as advertisements can be raised. Publ. App. par. [0088].

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 2 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nakamura in view of U.S. Patent Application No. 2002/0019769 of Barritz et al. (hereinafter, merely “Barritz”);

Claims 5, 14, 20 and 28 were rejected under 5 U.S.C. §103(a) as allegedly unpatentable over Nakamura and U.S. Patent Application No. 2003/0192060 to Levy;

Claims 6, 7, 15, 16, 21, 22, 29 and 30 were rejected under U.S.C. §103(a) as allegedly unpatentable over Nakamura in view U.S. Patent No. 6,285,818 to Suito et al. (hereinafter merely “Suito”); and

Claims 10-12 and 25-27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nakamura in view of U.S. Patent No. 6,282,713 to Kitsukawa et al. (hereinafter, merely “Kitsukawa”).

Neither, Barritz, Levy, Suito nor Kitsukawa add the elements missing from Nakamura as discussed herein above with respect to independent claims 1, 8, 17 and 23. All of the claims rejected under §103(a) depend from one of independent claims 1, 8, 17 and 23 and are believed patentable for at least the same reasons.

Applicants respectfully request withdrawal of the 103(a) rejection.

CONCLUSION

Claims 1-30 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:



Paul A. Levy
Reg. No. 45,748
(212) 588-0800